

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
LITIGATION

No. M 07-1827 SI
MDL No. 1827

This Order Relates to:

**ORDER RE: JOINT LIST OF PROPOSED
SUMMARY JUDGMENT MOTIONS**

State of Oregon v. AU Optronics Corp., et al.,
3:10-cv-4346-SI

The Court has reviewed the parties' Joint List of Proposed Summary Judgment Motions and Proposed Schedule for Summary Judgment Filings. Docket No. 9221. The parties state that they may file 73¹ motions for summary judgment in this individual case. The proposed list of motions is wildly excessive, and the Court will not permit the filing of 73 – or anywhere close to that number – summary judgment motions.

The parties are directed to engage in a meaningful meet and confer to substantially reduce the number of proposed motions. The parties may stipulate that the Court has resolved particular legal issues in this MDL in order to preserve those issues for appeal. The Court notes that the vast majority of the proposed motions seek summary judgment on the central disputed issues in this case, such as a defendant's participation in the price-fixing conspiracy. Those issues are not amenable to summary

¹ The Court notes that the proposed number is potentially larger than 73, since several of the proposed motions are unspecified and simply state "any other matter for which summary judgment is appropriate" based upon the earlier criminal and civil trials in this MDL. *See, e.g.*, # 23, 29.

1 judgment. Indeed, the sheer number of proposed summary judgment motions suggests that there are
2 numerous disputes that can only be resolved at trial. Further, plaintiff's proposed list of motions finely
3 parses out summary judgment "issues" such that there are nine or ten proposed separate motions
4 addressing different aspects of each defendant's role in the alleged conspiracy. This is not an
5 appropriate or efficient use of summary judgment practice.

6 The Court will review the parties' forthcoming supplemental list of proposed summary judgment
7 motions, which is to be filed November 30, 2014. If that list continues to be unacceptably long, the
8 Court will schedule a conference with counsel. **The Court ORDERS lead trial counsel for each party**
9 **to review and approve the November 30, 2014 list of proposed summary judgment motions and**
10 **be prepared to explain their necessity to the Court.**

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12 **IT IS SO ORDERED.**

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14 Dated: September 24, 2014



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SUSAN ILLSTON
United States District Judge